

Docket No.: 218127US8/jkl

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Mikio IWAMURA, et al.

SERIAL NUMBER: 10/044,945

GROUP: 2616

FILED: January 15, 2002

EXAMINER: MATTIS, JASON E.

FOR: CALL ACCEPTANCE CONTROL METHOD, MOBILE COMMUNICATION
SYSTEM AND BASE STATION DEVICE

LETTER

MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Notice of Allowability mailed October 10, 2008, at page 2 paragraph 2, alleging that the Oath or Declaration is defective since no Oath/Declaration was filed, upon reviewing PAIR, our prosecution file, the Oath/Declaration is not defective as follows:

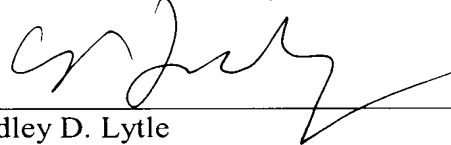
A Notice to File Missing Parts was received in connection with the above-identified application. In response thereto, Applicants filed a copy of the Combined Declaration and Power of Attorney as well as an Assignment on April 11, 2002, (copies of the date-stamped filing receipt, Combined Declaration and Power of Attorney and Assignment are enclosed herewith).

In reviewing PAIR, there appears to be no scanned copy of the Combined Declaration and Power of Attorney and the Assignment which were timely filed on April 11, 2002 in response to a Notice to File Missing Parts of an Application. Applicants believe that this may have occurred when the USPTO went from a paper system to the present electronic retrieval system PAIR.

Applicants believe with the submission of the above materials that the Oath/Declaration are in compliance with MPEP § 602 along with the Assignment, and the objection regarding a defective Oath/Declaration should be withdrawn.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Registration No. 40,073

Customer Number

22850

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(OSMMN 05/04)
I:\ATTY\CRF\OTHER\218127US-LETTER PTO.doc

Craig R. Feinberg
Registration No. 62,116

E

Dept.: EM

OSMM&N File No. 218127US2

By: MJS:ctp

Serial No. 10/044,945

In the matter of the Application of: Mikio IWAMURA, et al.

For: CALL ACCEPTANCE CONTROL METHOD, MOBILE COMMUNICATION
SYSTEM AND BASE STATION DEVICE

The following has been received in the U.S. Patent Office on the date stamped hereon

☐ pp. Specification Claims/Drawings Sheets
and Pages Application Data Sheet☒ Combined Declaration, Petition & Power of Attorney 4 pages☒ Filing of Declaration☒ Notice to File Missing Parts☐ CPA☐ Notice of Priority☐ Priority Doc☐ Check for☒ Dep. Acct. Order For☐ Fee Transmittal Form☐ Assignment/PTO 1595 pages:☐ Letter to Official Draftsman☐ Letter Requesting Approval of Drawing Changes☐ Drawings sheets ☐ Formal☒ Letter (cover)☐ Amendment☐ Information Disclosure Statement☐ PTO-1449☐ Cited References☐ Search Report☐ Statement of Relevancy☐ Cited Pending
Applications☐ IDS/Related/List of Related Cases☐ Restriction Response☐ Election Response☐ Rule 132 Declaration☐ Petition for Extension of Time☐ Notice of Appeal☐ Brief☐ Issue Fee Transmittal☐ White Advance Serial Number Card☐ Small Entity Status is claimed☐☐

Due Date: 4-12-02



COPY

E

Dept.: EM

OSMM&N File No. 218127US2

By: MJS:ctp

Serial No. 10/044,945

In the matter of the Application of: Mikio IWAMURA, et al.

For: CALL ACCEPTANCE CONTROL METHOD, MOBILE COMMUNICATION
SYSTEM AND BASE STATION DEVICE

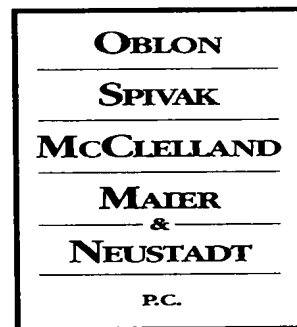
The following has been received in the U.S. Patent Office on the date stamped hereon

☐ pp. Specification Claims/Drawings Sheets
and Pages Application Data Sheet☐ Combined Declaration, Petition & Power of Attorney pages☐ List of Inventor Names and Addresses☐ Utility Patent Application Transmittal☐ CPA☐ Notice of Priority☐ Priority Doc☒ Check for \$40.00☒ Dep. Acct. Order For☐ Fee Transmittal Form☒ Assignment/PTO 1595 pages: 3☐ Letter to Official Draftsman☐ Letter Requesting Approval of Drawing Changes☐ Drawings sheets ☐ Formal☐ Letter☐ Amendment☐ Information Disclosure Statement☐ PTO-1449☐ Cited References☐ Search Report☐ Statement of Relevancy☐ Cited Pending
Applications☐ IDS/Related/List of Related Cases☐ Restriction Response☐ Election Response☐ Rule 132 Declaration☐ Petition for Extension of Time☐ Notice of Appeal☐ Brief☐ Issue Fee Transmittal☐ White Advance Serial Number Card☐ Small Entity Status is claimed☐☐

Due Date: N/A



COPY



ATTORNEYS AT LAW

ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A
NOTICE TO FILE MISSING
PARTS OF AN APPLICATION**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Inventor: Mikio IWAMURA, et al.
Serial No: 10/044,945
Filed: January 15, 2002
For: CALL ACCEPTANCE CONTROL METHOD, MOBILE
COMMUNICATION SYSTEM AND BASE STATION DEVICE

SIR:

Attached hereto for filing are the following papers:

Notice to File Missing Parts
Filing of Declaration/Declaration

Our check in the amount of \$0.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Docket No. 218127US2

Marvin J. Spivak
Registration No. 24,913



22850

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(OSMMN 12/01)

COPY

Docket No. 218127US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Mikio IWAMURA, et al.

SERIAL NUMBER: 10/044,945

ATTN: APPLICATION BRANCH

FILING DATE: January 15, 2002

FOR: CALL ACCEPTANCE CONTROL METHOD, MOBILE COMMUNICATION SYSTEM AND BASE
STATION DEVICE

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated February 12, 2002, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Marvin J. Spivak

Attorney of Record

Registration No. 24,913



22850

Tel. (703) 413-3000
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(OSMMN 10/98)

COPY

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PRIOR U.S. PROVISIONAL APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC §119(e)

| | | | |
|----------------------------|------------------------|----------------------------|------------------------|
| _____ (Application No.) | _____ (Filing Date) | _____ (Application No.) | _____ (Filing Date) |
| _____ (Application No.) | _____ (Filing Date) | _____ (Application No.) | _____ (Filing Date) |

I hereby claim the benefit of Title 35, United States Code Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC §120

| | | |
|----------------------------|------------------------|---|
| _____ (Application No.) | _____ (Filing Date) | _____ (Status: Patented, Pending, Abandoned) |
| _____ (Application No.) | _____ (Filing Date) | _____ (Status: Patented, Pending, Abandoned) |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. included in the Customer Number provided below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Customer Number 22850

Send Correspondence to: Customer Number 22850
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.

FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

Direct Telephone Calls to: (703)-413-3000

COPY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|---|------------------------|
| Full Name of sole or first inventor Mikio IWAMURA | |
| Inventor's signature <i>Mikio Iwamura</i> | Date March 13, 2002 |
| Residence Zushi-shi, Kanagawa, Japan | |
| Citizenship Japan | |
| Post office address 8-62-101, Kotsubo 1-chome, Zushi-shi, Kanagawa 249-0008 Japan | |

| | |
|---|------------------------|
| Full Name second joint inventor, if any Yoshihiro ISHIKAWA | |
| Second inventor's signature <i>Yoshihiro Ishikawa</i> | Date March 13, 2002 |
| Residence Yokosuka-shi, Kanagawa, Japan | |
| Citizenship Japan | |
| Post office address 18-4-503, Nobi 4-chome, Yokosuka-shi, Kanagawa 239-0841 Japan | |

| | |
|---|------------------------|
| Full Name third joint inventor, if any Seizo ONOE | |
| Third inventor's signature <i>Seizo Onoe</i> | Date March 13, 2002 |
| Residence Kanazawa-ku, Yokohama-shi, Kanagawa, Japan | |
| Citizenship Japan | |
| Post office address 1974-21, Mitsuura-cho, Kanazawa-ku, Yokohama-shi, Kanagawa 236-0032 Japan | |

| | |
|--|------------------------|
| Full Name fourth joint inventor, if any Takehiro NAKAMURA | |
| Fourth inventor's signature <i>Takehiro Nakamura</i> | Date March 13, 2002 |
| Residence Yokosuka-shi, Kanagawa, Japan | |
| Citizenship Japan | |
| Post office address 18-4-1103, Nobi 4-chome, Yokosuka-shi, Kanagawa 239-0841 Japan | |

COPY

| | |
|---|------------------------|
| Full Name fifth joint inventor, if any Takahiro HAYASHI | |
| Fifth inventor's signature <i>Takahiro Hayashi</i> | Date March 13, 2002 |
| Residence Yokosuka-shi, Kanagawa, Japan | |
| Citizenship Japan | |
| Post office address 3-11, Koyabe 2-chome, Yokosuka-shi, Kanagawa 238-0026 Japan | |

| | |
|--|------------------------|
| Full Name sixth joint inventor, if any Yoshiaki OFUJI | |
| Sixth inventor's signature <i>Yoshiaki Ofuji</i> | Date March 13, 2002 |
| Residence Yokosuka-shi, Kanagawa, Japan | |
| Citizenship Japan | |
| Post office address 2-15, Nagai 3-chome, Yokosuka-shi, Kanagawa 238-0316 Japan | |

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Atty Docket No.: 218127US2

FORM PTO-1595
1-31-92

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Mikio IWAMURA, Yoshihiro ISHIKAWA, Seizo ONOE,
Takehiro NAKAMURA, Takahiro HAYASHI and Yoshiaki
OFUJI

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: March 13, 2002

2. Name and address of receiving party(ies):

Name: NTT DoCoMo, Inc.

Address: 11-1, Nagatacho 2-chome,
Chiyoda-ku, Tokyo 100-6150 JAPAN

Additional name(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

10/044,945

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence
concerning document should be mailed:



22850

6. Total applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number: 15-0030
(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Marvin J. Spivak

Name of Person Signing

Signature

Date

Registration Number: 24,913

Total number of pages including this cover sheet: 3

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20230

COPY

ASSIGNMENT

Whereas, I/we,

Name

Address

- | | |
|------------------------------|--|
| 1) Mikio IWAMURA | 8-62-101, Kotsubo 1-chome, Zushi-shi, Kanagawa 249-0008 Japan |
| 2) Yoshihiro ISHIKAWA | 18-4-503, Nobi 4-chome, Yokosuka-shi, Kanagawa 239-0841 Japan |
| 3) Seizo ONOE | 1974-21, Mitsuura-cho, Kanazawa-ku, Yokohama-shi, Kanagawa 236-0032 Japan |
| 4) Takehiro NAKAMURA | 18-4-1103, Nobi 4-chome, Yokosuka-shi, Kanagawa 239-0841 Japan |
| 5) Takahiro HAYASHI | 3-11, Koyabe 2-chome, Yokosuka-shi, Kanagawa 238-0026 Japan |
| 6) Yoshiaki OFUJI | 2-15, Nagai 3-chome, Yokosuka-shi, Kanagawa 238-0316 Japan |

hereinafter called assignor(s), have invented certain improvements in

CALL ACCEPTANCE CONTROL METHOD, MOBILE COMMUNICATION SYSTEM AND BASE STATION DEVICE

and executed an application for Letters Patent of the United States of America therefor on even date herewith unless otherwise indicated below:

filed on January 15, 2002, Serial No. 10/044945; and

Whereas

NTT DoCoMo, Inc.

11-1, Nagatacho 2-chome,
Chiyoda-ku, Tokyo 100-6150 Japan

(assignee), desires to acquire the entire right, title and interest in the application and invention, and to any United States patents to be obtained therefor;

NOW THEREFORE, be it known that, for good and valuable consideration from assignee, the receipt of which is hereby acknowledged, I/WE, as assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, MY/OUR entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof; and I/WE hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I/WE HEREBY further covenant and agree that I/WE will, without further consideration, communicate with assignee, its successors and assigns, any facts known to ME/US respecting this invention and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors and assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

INVENTORS

COPY

DATE SIGNED

| | |
|--|-----------------------|
| 1): Name: <u>Mikio IWAMURA</u> | <u>March 13, 2002</u> |
| 2): Name: <u>Yoshihiro ISHIKAWA</u> | <u>March 13, 2002</u> |
| 3): Name: <u>Seizo ONOE</u> | <u>March 13, 2002</u> |

(Legalization not required for recording but is prima facie evidence of execution under 35 U.S.C. § 261)

4): Takehiro Nakamura
Name: Takehiro NAKAMURA

5): Takahiro Hayashi
Name: Takahiro HAYASHI

6): Yoshiaki Ofuji
Name: Yoshiaki OFUJI

March 13, 2002

March 13, 2002

March 13, 2002

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/044,945 | 01/15/2002 | Mikio Iwamura | 218127US2 |

22850
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

CONFIRMATION NO. 1514

FORMALITIES LETTER



OC000000007459196

Date Mailed: 02/12/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*

Haimanot Teybaou
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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FEB 19 2002

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.